



CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Box Issue Fee (Group Art Unit 1661) at (703) 746-4000 of the U.S. Patent and Trademark Office on June 7, 2005.

Estella H. Sakultananapich

Estella H. Sakultananapich

In re application of: Keith G. Lintott

Art Unit: 1661

Appl. No.: 10/692,910

PTO Confirmation No.: 9054

Filed: October 24, 2003

Examiner: Annette H. Para

For: Chrysanthemum Plant Named 'Allegra Jazz'

Atty. Docket: 10451.0048.NPUS00

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE DATED
MARCH 9, 2005**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant files these Comments on Statement of Reasons for Allowance included with the Notice of Allowance and Fee(s) Due for the instant application dated March 9, 2005. A Corrected Notice of Allowance and Fee(s) Due, correcting the title of the invention, was issued on April 8, 2005, but the Reasons for Allowance were not repeated there.

Applicant notes that the Examiner's Reasons for Allowance refer to the variety 'Peacock Royal' at page 2 but Applicant assumes that the Examiner's remarks are directed to the instant variety 'Allegra Jazz.'

SF:108255.1

- 2 -

Applicant(s)
Appl. No. 10/692,910

Applicant respectfully believes that the Examiner's Reasons for Allowance are clearly and fully set forth in the third and fourth full paragraphs of page 3 of the Reasons for Allowance where the Examiner concludes that:

[T]here is no evidence of the instant plant being described in a printed publication anywhere in the world or in public use or on sale in this country, more than one year prior to the filing date of this instant application.

The specification provides as complete a botanical description as reasonably possible of the claimed plant. The completeness of the description is sufficient to distinguish this new plant from the prior art.

The facts giving rise to the Examiner's conclusions are evident from the record as a whole. The reasons for patentability are adequately set forth in the prosecution file history, particularly in view of the Applicant's Response to Requirement for Information under 37 C.F.R. § 1.105. Further summary and characterization of the facts by the Examiner beyond the two paragraphs quoted above is unnecessary to make the bases for patentability of the claim explicit in this instance and add no additional substance to the interpretation of the facts as reflected in the above quoted reasons for allowance.

It is believed that these comments fully comply with the requirements of 37 C.F.R. § 1.104(e). If for some reason the Examiner considers otherwise, or requires additional information, Applicant requests that the Examiner call the undersigned so that any deficiencies can be remedied.

The Examiner is invited to contact the undersigned attorney at (415) 591-1523 regarding any further questions, comments or suggestions relating to this patent application.

Dated: June 7, 2005

Respectfully submitted,



Mark K. Dickson
Attorney Reg. No. 32,889
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20006-3817
(415) 591-1523

SF:108255.1